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# Establishment of Municipal Charter

Finance for rules and regulations regarding the use of competitive bidding and contracts for all town purchases and contracts. All expenditures for supplies, materials, equipment, construction of public improvements, or contractual service involving more than one thousand dollars (\$1,000) shall be made on written contract. The town clerk shall be required to advertise for sealed bids, in such manner as may be prescribed by ordinance, for all such written contracts. Such written contracts shall be awarded to the bidder who offers the lowest or best bid, quality of goods and work, time of delivery or completion, and responsibility of bidders being considered. All such written contracts shall be approved by the council before becoming effective. The town clerk shall have the right to reject all bids and readvertise. The town at any time in its discretion may employ its own forces for the construction or reconstruction of public improvements, without advertising for (or readvertising for) or receiving bids. All written contracts may be protected by such bonds, penalties, and conditions as the town may require.

## PERSONNEL

54. Clerk to council.  
The town clerk shall also serve as clerk to the council. He shall attend every meeting of the council and keep a full and accurate account of the proceedings of the council. He shall keep such other records and perform such other duties as may be required by this charter or the council.

55. Town attorney.  
The mayor with the approval of the council may appoint a town attorney. The town attorney shall be a member of the bar of the Maryland Court of Appeals. The town attorney shall be the legal adviser of the town and shall perform such duties in this connection as may be required by the council or the mayor. His compensation shall be determined by the council. The town shall have the power to employ such legal consultants as it deems necessary from time to time.

56. Authority to employ personnel.  
The town shall have the power to employ such officers and employees as it deems necessary to execute the powers and duties provided by this charter or other State law and to operate the town government.

## PUBLIC WAYS AND SIDEWALKS

57. Definition of public ways.  
The term "public ways" as used in this charter shall include all streets, avenues, roads, highways, public thoroughfares, lanes, and alleys.

58. Control of public ways.  
The town shall have control of all public ways in the town except such as may be under the jurisdiction of the Maryland State Roads Commission. Subject to the laws of the State of Maryland and this charter, the town may do whatever it deems necessary to establish, operate, and maintain in good condition the public ways of the town.

59. Powers of town as to public ways.  
(a) The town shall have the power:

1. To establish, regulate, and change from time to time, the grade lines, width, and construction materials of any town public way or part thereof, bridges, curbs, and gutters.
2. To grade, lay out, construct, open, extend, and make new town public ways.
3. To grade, straighten, widen, alter, improve, or close up any existing town public way or part thereof.
4. To pave, surface, repave, or resurface any town public way or part thereof.
5. To install, construct, reconstruct, repair and maintain curbs and/or gutters along any town public way or part thereof.
6. To construct, reconstruct, maintain, and repair bridges.
7. To name town public ways.
8. To have surveys, plans, specifications, and estimates made for any of the above activities or projects or parts thereof.

60. Powers of town as to sidewalks.  
(a) The town shall have the power:

1. To establish, regulate, and change from time to time the grade lines, width, and construction materials of any sidewalk or part thereof on town property along any public way or part thereof.
2. To grade, lay out, construct, reconstruct, pave, repave, repair, extend, or otherwise alter sidewalks on town property along any public way or part thereof.
3. To require that the owners of any property abutting on a sidewalk keep the sidewalk clear of all ice, snow, and other obstructions.
4. To require and order the owner of any property abutting on any public way in the town to perform any projects authorized by this section at the owner's expense according to reasonable plans and specifications. If, after due notice, the owner fails to comply with the order within a reasonable time, the town may do the work, and the expense shall be a lien on the property and shall be collectible in the same manner as are town taxes or by suit at law.

## WATER AND SEWERS

61. Powers of town.  
(a) The town shall have the power:

1. To construct, operate, and maintain a water system and water plant.
2. To construct, operate, and maintain a sanitary sewerage system and a sewage treatment plant.
3. To construct, operate, and maintain a storm water drainage system and storm water sewers.
4. To construct, maintain, reconstruct, enlarge, alter, repair, improve, or dispose of all parts, installations, and structures of the above plants and systems.
5. To have surveys, plans, specifications, and estimates made for any of the above plants and systems or parts thereof or the extension thereof.
6. To do all things it deems necessary for the efficient operation and maintenance of the above plants and systems.

62. Placing structures in public ways.

Any public service corporation, company, or individual, before beginning any construction or of placing or changing the location of any main, conduit, pipe, or other structure in the public ways of the town, shall submit plans to the town and obtain written approval upon such conditions and subject to such limitations as may be imposed by the town. Any public service corporation, company, or individual violating the provisions of this section shall be guilty of a misdemeanor. If any unauthorized main, conduit, pipe, or other structure interferes with the operation of the water, sewerage, or storm water systems, the town may order it removed.

63. Obstructions.

All individuals, firms or corporations having mains, pipes, conduits, or other structures, in, on, or over any public way in the town or in the county which impede the establishment, construction, or operation of any town sewer or water main shall, upon reasonable notice, remove or adjust the obstructions at their own expense to the satisfaction of the town. If necessary to carry out the provisions of this section, the town may use its condemnation powers provided in Section 77. Any violation of an ordinance passed under the provisions of this section may be made a misdemeanor.

64. Entering on county public ways.

The town may enter upon or do construction in, on, or over any county public way for the purpose of installing or repairing any equipment or doing any other things necessary to establish, operate, and maintain the water system, water plant, sanitary sewerage system, sewage treatment plant, or storm water sewers provided for in this charter. Unless required by the county, the town need not obtain any permit or pay any charge for these operations, but it must notify the county of its intent

to enter on the public way and must leave the public way in a condition not inferior to that existing before.

65. Connections.  
The town shall provide a connection with water and sanitary sewer mains for all property abutting on any public way in which a sanitary sewer or water main is laid. When any water main or sanitary sewer is declared ready for operation by the town, all abutting property owners after reasonable notice shall connect all fixtures with the water or sewer main. The town may require that if it considers existing fixtures unsatisfactory, satisfactory ones be installed and may require that all cesspools, sinkdrains, and privies be abandoned, filled, removed or left in such a way as not to injure public health. All wells found to be polluted or a menace to health may be ordered to be abandoned and closed. Any violation of an ordinance passed under the provisions of this section may be made a misdemeanor.

66. Same - Charge.  
The town may make a charge, the amount to be determined by the council, for each connection made to the town's water or sewer mains. This charge shall be uniform throughout the town, but may be changed from year to year. Arrangements for the payment of this charge shall be made before the connection is made.

67. Changes in plumbing, etc., to prevent waste or improper use.  
In order to prevent any leakage or waste of water or other improper use of the town's water system or sewage disposal system, the town may require such changes in plumbing, fixtures, or connections as it deems necessary to prevent such waste or improper use.

68. Private systems.  
The town may by ordinance provide that no water supply, sewerage, or storm water drainage system, and no water mains, sewers, drains, or connections therewith, shall be constructed or operated by any person or persons, firm, corporation, institution, or community, whether upon private premises or otherwise, and may provide that cesspools or other private methods of sewage disposal shall be operated and maintained in such a manner that they do not and will not be likely to affect adversely the public comfort and health and any cesspool or other private method of sewage disposal affecting or likely to affect adversely the public comfort and health may be deemed a nuisance and may be abated by the town. Any violation of an ordinance passed under the provisions of this section may be made a misdemeanor.

69. Extensions beyond boundaries.  
The town shall have the power to extend its water or sewerage system beyond the town limits.

70. Right of entry.

Any employee or agent of the town, while in the necessary pursuit of his official duties with regard to the water or sewage disposal systems operated by the town, shall have the right of entry, for access to water or sewer installations, at all reasonable hours, and after reasonable advance notice to the owner, tenant, or person in possession, upon any premises and into any building in the town or in the county served by the town's water or sewage disposal system. Any restraint or hindrance offered to such entry by any owner, tenant, or person in possession, or the agent of any of them, may, by ordinance, be made a misdemeanor.

71. Pollution of water supply.  
No person shall do anything which will discolor, pollute, or tend to pollute any water used or to be used in the town water supply system. Any violation of the provisions of this section shall be a misdemeanor.

72. Contracts for water.  
The town, if it deems it advisable, may contract with any party or parties, inside or outside the town, to obtain water or to provide for the removal of sewage.

73. Charges.  
The town shall have the power to charge and collect such service rates, water rents, ready-to-serve charges, or other charges as it deems necessary for water supplied and for the removal of sewage. These charges are to be billed and collected by the town clerk, and if bills are unpaid within thirty days, the service may be discontinued. All charges shall be a lien on the property, collectible in the same manner as town taxes or by suit at law.

## SPECIAL ASSESSMENTS

74. Power of town to levy special assessments.  
The town shall have the power to levy and collect taxes in the form of special assessments upon property in a limited and determinable area for special benefits conferred upon such property by the installation or construction, of water mains, sanitary sewer main, storm water sewers, curbs, and gutters and by the construction, and paving of public ways and sidewalks or parts thereof, and to provide for the payment of all or any part of the above projects out of the proceeds of such special assessment. The cost of any project to be paid in whole or in part by special assessments may include the direct cost thereof, the cost of any land acquired for the project, the interest on bonds, notes, or other evidences of indebtedness issued in anticipation of the collection of special assessments, a reasonable charge for the services of the administrative staff of the town, and any other item of cost which may reasonably be attributed to the project.

75. Procedure.  
(a) The procedure for special assessments, wherever authorized in this charter, shall be as follows:

1. The cost of the project being charged for shall be assessed according to the front foot rule of apportionment or some other equitable basis determined by the council.
2. The amount assessed against any property for any project or improvement shall not exceed the value of the benefits accruing to the property therefrom, nor shall any special assessment be levied which shall cause the total amount of special assessments levied by the town and outstanding against any property at any time, exclusive of delinquent installments, to exceed fifty per centum (50%) of the assessed value of the property after giving effect to the benefit accruing thereto from the project or improvement for which assessed.
3. When desirable, the affected property may be divided into different classes to be charged different rates, but, except for this, any rate shall be uniform.
4. All special assessment charges shall be levied by the council by ordinance. Before levying any special assessment charges, the council shall hold a public hearing. The town clerk shall cause notice to be given stating the nature and extent of the proposed project, the kind of materials to be used, the estimated cost of the project the portion of the cost to be assessed, the number of installments in which the assessment may be paid, the method to be used in apportioning the cost, and the limits of the proposed area of assessment. The notice shall also state the time and place at which all persons interested, or their agents or attorneys, may appear before the council and be heard concerning the proposed project and special assessment. Such notice shall be given by sending a copy thereof by mail to the owner of record of each parcel of property proposed to be assessed and to the person in whose name the property is assessed for taxation and by publication of a copy of the notice at least once in a newspaper of general circulation in the town. The town clerk shall present at the hearing a certificate of publication and mailing of copies of the notice, which certificate shall be deemed proof of notice, but failure of any owner to receive the mailed copy shall not invalidate the proceedings. The date of hearing shall be set at least ten and not more than thirty days after the town clerk shall have completed publication and service of notice as provided in this section. Following the hearing the council, in its discretion, may vote

to proceed with the project and may levy the special assessment.

5. Any interested person feeling aggrieved by the levying of any special assessment under the provisions of this section shall have the right to appeal to the circuit court for the county within ten days after the levying of any assessment by the council.

6. Special assessments may be made payable in annual or more frequent installments over such period of time, not to exceed ten years, and in such manner as the council may determine. The council shall determine on what date installments shall be due and payable. Interest may be charged on installments at the rate to be determined by the council.

7. All special assessment installments shall be overdue six months after the date on which they became due and payable. All special assessments shall be liens on the property and all overdue special assessments shall be collected in the same manner as town taxes or by suit at law.

8. All special assessments shall be billed and collected by the town clerk.

## TOWN PROPERTY

76. Acquisition, possession and disposal.  
The town may acquire real, personal, or mixed property for any public purpose by purchase, gift, bequest, devise, lease, condemnation, or otherwise and may sell, lease, or otherwise dispose of any property belonging to the town. All municipal property, funds, and franchises of every kind belonging to or in the possession of the town (by whatever prior name known) at the time this charter becomes effective are vested in the town, subject to the terms and conditions thereof.

77. Condemnation.  
The town shall have the power to condemn property of any kind, or interest therein or franchise connected therewith, in fee or as an easement, within the corporate limits of the town, for any public purpose. Any activity, project, or improvement authorized by the provisions of this charter or any other State law applicable to the town shall be deemed to be a public purpose. The manner of procedure in case of any condemnation proceeding shall be that established in Article 33A of the Annotated Code of the Public General Laws of Maryland, titled "Eminent Domain".

78. Town buildings.  
The town shall have the power to acquire, to obtain by lease or rent, to purchase, construct, operate, and maintain all buildings and structures it deems necessary for the operation of the town government.

79. Protection of town property.  
The town shall have the power to do whatever may be necessary to protect town property and to keep all town property in good condition.

## GENERAL PROVISIONS

80. Official bonds.  
The town clerk and such other officers or employees of the town as the council or this charter may require, shall give bond in such amount and with such surety as may be required by the council. The premiums on such bonds shall be paid by the town.

81. Prior rights and obligations.  
All right, title, and interest held by the town or any other person or corporation at the time this charter is adopted, in and to any lien acquired under any prior charter of the town, are hereby preserved for the holder in all respects as if this charter had not been adopted, together with all rights and remedies in relation thereto. This charter shall not discharge, impair, or release any contract, obligation, duty, liability, or penalty whatever existing at the time this charter becomes effective. All suits and actions, both civil and criminal, pending, or which may hereafter be instituted for causes of action now existing or offenses already committed against any law or ordinance repealed by this charter, shall be instituted, proceeded with, and prosecuted to final determination and judgment as if this charter had not become effective.

82. Misdemeanors.  
Every act or omission which, by ordinance, is made a misdemeanor under the authority of this charter, unless otherwise provided shall be punishable upon conviction before any trial magistrate or in the circuit court for the county within which the offense is committed by a fine not exceeding one hundred dollars (\$100.00) or imprisonment for thirty days in the county jail, or both, in the discretion of the court or trial magistrate. The party aggrieved shall have the right to appeal as is now provided under the general laws of the State. Where the act or omission is of a continuing nature and is persisted in, a conviction for one offense shall not be a bar to a conviction for a continuation of the offense subsequent to the first or any succeeding conviction.

83. Effect of charter on existing ordinances.  
(a) Ordinances, etc., not in conflict with charter remain in effect. All ordinances, resolutions, rules, and regulations in effect in the town at the time this charter becomes effective which are not in conflict with the provisions of this charter shall remain in effect until changed or repealed according to the provisions of this charter.

(b) Ordinances, etc., in conflict with charter repealed. All ordinances, resolutions, rules, and regulations in effect in the town at the time this charter becomes effective which are in conflict with the provisions of this charter be repealed and the same hereby are repealed to the extent of such conflict.

84. Separability.  
If any section or part of section of this charter shall be held invalid by a court of competent jurisdiction, such holding shall not affect the remainder of this charter nor the context in which such section or part of section so held invalid shall appear, except to the extent that an entire section or part of section may be inseparably connected in meaning and effect with the section or part of section to which such holding shall directly apply.

85. "Town" construed to mean "city".  
Whenever in this article the word "town" shall appear, it shall be taken and construed to mean also the word "city".

Marie B. Legg, Clerk C. David Haacke, Mayor

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**IT'S A GIRL:** George E. Kellas, Jr., took this unique way to announce the birth of a daughter last week and at the same time advertise his business. He is the proprietor of the K & S & G Sign Co., which has its shop in nearby Kings Town.

## Church Hill Mrs. McGinnis Leaves For Visit With Calif. Daughter

Mrs. Van Willis

Mrs. Harry McGinnis left on Thursday by plane for Palo Alto, California for a lengthy visit with her son in law and daughter, Mr. and Mrs. Emil A. Trojak.

Mrs. Benjamin Hart of Magnolia, Delaware was an overnight visitor on Thursday with her mother Mrs. Tilden Storey. Other visitors on Thursday evening were Mr. and Mrs. Joseph Storey of near town.

Mr. and Mrs. John R. Smith Sr. returned to their home on Sunday evening after enjoying a wonderful trip to Detroit, Mich. last week visiting with her brother and sister-in-law, Mr. and Mrs. Ralph Carter.

Mr. and Mrs. Glenn Johnson and children, Wendy and Scott of Baltimore County were luncheon guests on Sunday of Mrs. Howard Jaquet and son, Mr. Zachary Jaquet.

Mrs. H. A. Reinhold of Denton is spending the week with her son and daughter-in-law, Mr. and Mrs. John H. Reinhold.

Mrs. Bessie Starkey and Mrs. Helen Rhodes enjoyed dinner on Thursday with Mr. and Mrs. Ruben Rodney of Rock Hall.

Mrs. F. L. Benney and mother, Mrs. Helen Ross were pleased to have Mrs. Virginia Walls as a dinner guest on Sunday.

Mrs. Calvin Fleetwood and Mrs. Katy Chance of Newport, Del., visited on Sunday with Mr. and Mrs. Stanley E. Chance.

Mrs. Bertha Coulson entertained Mrs. Nelson Brown, Mrs. Edith Thompson and Mrs. Josephine Holden at dinner on Thursday evening and Mr. and Mrs. Fred Coursey at dinner on Sunday.

Dinner guests on Sunday with Mr. and Mrs. Howard Larimore and family were Mr. Bob Palmatory of Starr, Miss Peggy Cahall, of Wye Mills and Mr. and Mrs. Tootsie Middleton of Price.

Mr. and Mrs. Edgar Walls visited on Sunday with Mr. and Mrs. Layton Binebrink and Miss Elizabeth Binebrink near Centerville.

Sympathy is extended to the family and friends of Mrs. George Esperson who passed away on Sunday in Easton Hospital. Mrs. Esperson had made her home with her daughter, Mrs. Albert Shrader and Mr. Shrader for a number of years.

Mr. and Mrs. Walter Candy of Parsonsburg, were overnight guests on Wednesday with Mr. and Mrs. William B. Copping and children and on Sunday Mr. and Mrs. Copping and family enjoyed dinner with Mr. and Mrs. William Jarrell of Centerville.

Mr. and Mrs. Dewey Turner were pleased to have his sister, Mrs. Etta Lum of Chesapeake City spend the week with them.

Mrs. Joe Smith of Chestertown and Mr. and Mrs. Fred Coursey visited Mr. and Mrs. Walter Stewart on Sunday afternoon.

Mr. and Mrs. Henry J. Shipley were guests Sunday of Mr. and Mrs. Howard Walls, Baltimore. The foursome attended the Country-Western Show at the Civic Center.

The Rev. and Mrs. R. W. Helms attended the Eastern District Minister and Wives Association meeting at Calvary-Ashbury Church in Sudlesville on Monday morning.

Guests on Sunday of Mr. and Mrs. Clifton Holden were Mr. and Mrs. Owens Lane and son Rodney of Stevensville and Mr. and Mrs. George States and son James of Chestertown.

Dr. and Mrs. E. W. Sterling accompanied by Mr. Leon Creighton and son Richard of Chestertown enjoyed dinner with Mr. and Mrs. Leon Creighton and family at their home in Chestertown.

Mr. and Mrs. James Starkey of Centerville visited with his mother, Mrs. Elith A. Starkey on Sunday afternoon.

Mr. and Mrs. Gordon Mills and children of Wilmington spent several days over the weekend with her parents Mr. and Mrs. Franklin H. Everett, Sr.

Mrs. Josephine Holden spent the weekend with Mrs. George Hyatt and son of Wilmington.

Mrs. R. W. Helms entertained Union W.S.C.S. at the Parsonage on Wednesday evening.

Mr. and Mrs. Van Willis spent Sunday with Mr. and Mrs. Joseph B. Willis of Wilmington.

**MARVIN V. WILLIAMS**  
**Funeral Director**  
Chestertown, Maryland  
778-1868

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